

**MINUTES OF THE APRIL 19, 2007
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolfe, Councilman

Council Members Absent:

Anita Speidel, Vice Mayor

Call to Order

Mayor Tarr called the meeting to order at 7:30 p.m.

Invocation

Councilman Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Open Forum/Public Participation

- Master Reid Thornton, Miss Jessica Hegeman and Miss Lauren Cherrix stated that they would like to start a newspaper on the Island for children their age. They added that they are asking for sponsors to help with the startup costs and also that advertisements will be sold to cover the cost of paper and ink. The children informed Council that proceeds from the newspaper will go toward the Chincoteague Library expansion. Mayor Tarr and Council commended the children on their idea and supported them completely.
- Mrs. Sandy Bowden of P.A.S.S.S. requested a donation from the Town for the annual After-Prom Party. Councilman Howard commended the organization for its efforts toward keeping our children safe after the prom. Mayor Tarr thanked Mrs. Bowden and stated that her request will be considered.

Agenda Additions/Deletions and Adoption

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adopt the agenda as presented. The motion was unanimously approved.

1. Resolution – Spring Clean-up, Paint-up and Fix-up Week.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the following resolution for Spring Clean-up Week. The motion was unanimously approved.

RESOLUTION

WHEREAS, we are fortunate to live in a Town so abundantly blessed with natural assets and we have a continuing responsibility for preserving our environment by keeping it clean, healthy and beautiful; and

WHEREAS, the Annual Seafood Festival celebration, a period set aside to honor the heritage of the Town, will be celebrated on May 2, 2007; and

WHEREAS, during this celebration, we have the opportunity to demonstrate to ourselves, our neighbors and our visitors our commitment to a clean a beautiful town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINCOTEAGUE, IN COUNCIL MET:

1. That the week of April 28 – May 6, 2007 is designated as SPRING CLEAN-UP, PAINT-UP AND FIX-UP WEEK in the Town of Chincoteague.
2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up and fix-up projects which will serve to enhance, restore or maintain the beauty of all properties in our Island community.
3. All Spring Clean-up debris should be placed for pickup during the week of April 30 – May 7, 2007 so that our Town of Chincoteague will exemplify cleanliness and beauty during the Annual Seafood festival celebration and to kick off the Tourist Season.

2. Ordinance Committee Report.

Councilman Ross reported on the March 28, 2007 meeting. Councilman Wolffe motioned, seconded by Councilwoman Conklin to approve the minutes. The motion was unanimously approved.

- Adoption of the Proposed Revised Ordinance: Chapter 62, Article II, Division 2, Rates – Councilman Ross explained that the changes in the ordinance would simplify the budget process each year by eliminating the step of changing the ordinance each year if the fees changed during the budget process.

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the following amendment to the Ordinance: Chapter 62, Article II, Division 2, Rates. The motion was unanimously approved.

DIVISION 2. RATES, CHARGES AND BILLING

Sec. 62-56. Rates.

(a) A water rate schedule shall be established and adopted each year by majority vote of the council.

(Amended 04/19/07)

(b) A minimum rate applies to all accounts after the minimum allowed usage

and an additional dollar amount is applied per 1000 gallons.

(Amended 04/02/06, 04/19/07)

(c) Water rates shall not be applied to connections for fire suppression systems described in section 62-57, except when water provided through such connections has been used for other than fire suppression. In such wrongful use, penalties described under section 62-27 shall apply.

(d) Water rates shall not be applied to churches and certain other nonprofit organizations except in cases where water usage exceeds forty thousand (40,000) gallons per quarter. In such cases, the church or nonprofit organization shall be charged at the commercial rate for the water used in excess of forty thousand (40,000) gallons.
(Code 1977, § 15-1-1; Ord. of 4-5-1999, § 15-1-1)

Sec. 62-57. Connection fees and availability fees.

(a) New connections to the water system shall be charged at the rate established by the town council plus all additional related costs incurred by the town.
(Amended 03/16/06, 04/19/07)

(b) The cost of service connections which are made to the system to provide for fire suppression systems shall be determined on a case-by-case basis as dictated by the requirements of individual fire suppression systems. Connection and meter sizes for fire suppression systems shall be determined by the size of the suppression system. Connections for fire suppression systems shall be made only by the town.

(c) Although water usage rates are not applied to churches and certain other nonprofit organizations, service connection fees and availability fees shall be charged.
(Code 1977, § 15-1-2; Ord. of 4-5-1999, § 15-1-2)
(Amended 04/20/06)

(d) An availability fee as established by the town council shall be charged and the amount shall be collected prior to the installation of the meter.
(Amended 04/20/06, 04/19/07)

(e) Condominiums are to be charged an availability fee as established by the town council per living unit but supplied by a master meter with the minimum billing based on the size of the meter.
(Amended 04/20/06)

Sec. 62-58. Billing and other charges.

(a) All water bills for residences, hotels, motels, rooming houses, cottages, trailer parks and all rental dwellings or rental property shall be charged to the property owner and not to the tenant.

(b) Water meters shall be read quarterly, and water bills shall be delinquent 30 days after the end of the quarter. A customer shall receive a second notice granting ten

days to either pay the delinquent bill or to appear before the town manager to present reasons why service should not be terminated. If the town manager makes the decision to terminate service, the customer may appeal such decision to the public works committee of the town council by filing the appeal, in writing, at least 24 hours prior to the date of termination. If such appeal is filed, service will not be terminated until after a hearing and decision by the public works committee. No service shall be reconnected without payment of all delinquent charges plus a reconnection charge as established by the town council. Services shall only be reconnected during regular town business hours between 8:00 a.m. and 5:00 p.m., with such business hours occurring from Monday through Friday, except on certain days observed as holidays by the town.

(Amended 04/19/07)

(c) Any person voluntarily disconnecting service, other than seasonal, shall be charged a fee as established by the town council for each reconnection. Reconnections shall be made only during regular business hours described in subsection (b) of this section.

(Amended 04/19/07)

(d) Any service disconnected on a seasonal basis shall be billed at the minimum quarterly rate or at an amount commensurate to the usage, during the period of disconnection.

(e) A change of ownership fee as established by the town council shall be charged to a water account transferred due to such a change.

(Amended 04/19/07)

(Code 1977, § 15-1-3; Ord. of 4-5-1999, § 15-1-3)

Sec. 62-59. Water bill adjustments.

(a) *Adjustments to correct inaccurate readings.* Adjustments to water bills to correct inaccurate readings shall be made in accordance with the following:

(1) Adjustments to water bills may be applied by the town to correct inaccurate reading of meters or incorrect readings caused by faulty meters. During the reading cycle, the town will automatically check anomalous readings to ensure accuracy.

(2) If a property owner wishes to contest the accuracy of a meter reading and subsequent water bill, he may request that the meter be checked or tested to verify the accuracy of the reading or the meter. If, after checking or testing the meter, the reading is found to be correct, the account will be charged a fee as established by the town council. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

3. Public Works Committee Report.

Councilman Wolffe reported on the April 10, 2007 meeting. Councilman Howard motioned, seconded by Councilwoman Conklin to approve the minutes. The motion was unanimously approved.

4. Recreation and Community Enhancement Committee Report.

Town Manager Ritter reported on the April 12, 2007 meeting. Councilman Wolffe motioned, seconded by Councilwoman Richardson to approve the minutes. The motion was unanimously approved.

5. Harbor Committee Report.

Councilman Howard reported on the April 11, 2007 meeting. Councilman Wolffe motioned, seconded by Councilwoman Conklin to approve the minutes. The motion was unanimously approved.

- Proposed New Harbor Policy – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the following new Harbor Policy. The motion was unanimously approved.

HARBOR POLICY

Any slip holder who leases a boat shall be the primary operator of such leased boat, or if not the operator, the lessee of such leased boat shall regularly be on board during the course of such operation. “Regularly” shall mean substantially at all times, but with exceptions for the purposes of maintenance or repairs. Violation of this provision shall be deemed to be a material non-compliance with the lease and a ground for cancellation thereof.

6. Mayor and Council Announcements or Concerns.

- Mayor Tarr stated that a letter should be sent to the delinquent slip holder stating that the slip holder is losing the slip due to non-payment.
- Councilman Ross asked Police Chief Lewis to report on the status of the vandalism to the bathrooms at Veterans Memorial Park as well as the incident regarding the traffic signals on Maddox Boulevard during the recent power outage.
- Councilwoman Richardson commented that the plaque at the Robert N. Reed, Sr. Downtown Park looked very nice. She also requested that the method by which Council’s Vice Mayor is appointed be reviewed and considered prior to the next Council election. Mayor Tarr responded that it is established in the Town’s Charter that Council appoints the Vice Mayor and that that has not changed. He added that in the past, it has been customary for the Councilperson elected into office with the highest number of votes to be appointed Vice Mayor.

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on May 7, 2007 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager